

## REMARKS

Applicants have amended the specification to mention reference character 205 in paragraph [0034] and Fig. 17 in paragraph [0094].

### **35 U.S.C. §102(e)**

The Examiner has rejected 1-10, 12-14, 16-19 and 21-26 under 35 U.S.C 102(e) as being anticipated by U.S. Publication No. 2002/0183882 A1 to Dearing et al. Applicant respectfully disputes the rejection.

In order to anticipate a claim, the cited reference must disclose each and every element of the claim. As set forth below, Dearing fails to disclose each and every element recited in the submitted claims of the present application.

Dearing discloses a point-of-sale delivery and inventory system designed to facilitate the sale and distribution of products stored in a restricted access area near customers. Products are tracked using radio frequency ("RF") tags. In practice, storage units contain the products and are accessed via a security device, like a badge. Once products are removed from the storage units and the door is shut (and optionally locked), the system automatically identifies the removed products and creates a bill that is transmitted to proper entity or individual. According to the Dearing disclosure, the system includes at least one server, client controller and database.

The present application is directed to an access control system which in one embodiment comprises a facilities management system responsible for access and related facilities needs. A modular design facilitates quick and simple modifications to the system. For example, adding a new door having a corresponding card reader can be integrated into the existing system without modifying the underlying software and hardware arrangement of the existing facilities management system. In one embodiment, the present system comprises a server, client, database and personality module.

The Examiner states that Dearing discloses a server, client, database and personality module as recited in independent claims 1, 17 and 23 of the present application.

A thorough review of Dearing reveals that Dearing does not disclose at least a "personality module" as recited in independent claims 1, 17 and 23. The Examiner first

equates the Micro-Warehouse (MW) Enterprise (29) of Dearing to the recited personality module. However, as discussed below, the MW Enterprise (29) is not a personality module as described in the instant application.

It is noted that the applicant may be his or her own lexicographer. *Canaan Prod., Inc. v. Edward Don & Co.*, 388 F.2d 540, 544 (7<sup>th</sup> Cir. 1968). In the present application the applicant has used the term "personality module" to refer to a unit with one or more ports for communicating with one or more field devices and with included and/or associated processing power and memory (such as the processor 304 and memory (306, 308) on SBC 302). See, paragraph [0052].

Dearing specifically discloses that the MW enterprise (29) is an application running on top of the hardware and operating system (emphasis added). See, paragraph [0040]. Consequently, the MW enterprise application (29) is limited to a software program. The MW enterprise application (29) can access a profile database that includes a plurality of different storage modules. See, paragraph [0040]. Moreover, the MW enterprise application (29) performs numerous functions as set forth in paragraph [0041] of Dearing. Each of the proposed functions is a software-driven function.

Contrarily, the personality module of the present application is a software and hardware unit comprising processor power and memory. Through their ports, the personality modules communicate with field devices which can include any passive field device, such as a switch or motion detector, as well as any active device that can be controlled by a software driver. In this manner, the processing power and memory may permit the personality modules, in the event of server failure, to operate autonomously from the server. Accordingly, the system continues to function properly even though the server has failed.

Being only a software application, the MW enterprise application (29) does not include processing power or memory. Indeed, the MW enterprise application (29) must retrieve data from a separate storage device. In addition, as a software application, the MW enterprise application (29) does not include one or more ports for communicating with field devices.

The Examiner also indicates that the stored products and the reader (47) may be

considered personality modules. As set forth in more detail below, the products are clearly not personality modules. In addition, the reader (47) may be considered a field device but it is not a personality module. Similarly, temperature sensors (55, 56) may be considered field devices but they are not personality modules. The personality modules reside between the field devices and server comprising the CDUs 310 and SBC 302. They are also, as suggested by the name - modular. Therefore, they may be individually removed from there enclosure. Nothing cited by the Examiner or disclosed in Dearing meets the limitation of a personality module or its equivalent.

Independent claims 17 and 23 further recite an enclosure capable of housing at least one personality module. See application, paragraphs [0041] – [0046]. The Examiner refers to MW (36) as an enclosure. While the Examiner's reference may be true, MW (36) does not enclose or house a personality module or anything like it. Pursuant to the Examiner's position, in order to anticipate claims 17 and 23, MW (36) would need to enclose or house a personality module. This is obviously not the case as MW (36) is described as "a refrigerated cabinet, a freezer, or other storage container." See, paragraph [0045]. In other words, MW (36) is simply a secured area to store products which may then be accessed by authorized personnel as needed. The products are fitted with RF tags inline with the disclosure of Dearing. See, paragraph [0045]. The products are not personality modules as they have no processor power, memory or ports. Nothing in Dearing supports the Examiner's position that Dearing discloses a personality module in an enclosure or housing. Importantly, with respect to claim 1, the Examiner refers to MW (36) as a field device and now, with respect to claims 17 and 23, the Examiner suggests that MW (36) is the equivalent of the personality module enclosure. These two positions are contradictory and not possible in the context of the present application and Dearing. As set forth above, applicant contends that MW (36) is not equivalent to the personality module and it is certainly not the equivalent of the personality module enclosure and therefore claims 17 and 23, and their dependents, cannot be anticipated by Dearing.

Moreover, claims 17 and 23 recite multiple personality module types, each type having a distinct set of characteristics defining personality module functionality. Nothing in Dearing discloses or teaches multiple personality modules with distinct characteristics. The

Examiner seeks to combine the MW enterprise application (29), products and a reader (47) to anticipate the multiple types of personality modules having different functionality. As set forth above, the products and reader (47) are not personality modules at all and there is no support for identifying them as such. And, as set forth above, applicant disputes that the MW enterprise (29) application is a personality module. Even assuming, for the purpose of argument, that the MW enterprise application (29) is considered a personality module, Dearing does not disclose multiple types of MW enterprise applications (29) having distinct characteristics. Consequently, applicant once again contends that claims 17 and 23, and their dependents, cannot be anticipated by Dearing.

With respect to claim 23, Dearing fails to disclose that each personality module is independently addressable. Dearing does disclose that servers may communicate with clients using standard protocols such as TCP/IP. However, Dearing fails to disclose that personality modules are independently addressable.

Based on the foregoing, claims 1-23 cannot be anticipated by Dearing.

### **35 U.S.C. §103(a)**

The Examiner has rejected 11, 15 and 20 under 35 U.S.C 103(a) as being rendered obvious by U.S. Publication No. 2002/0183882 A1 to Dearing et al. Applicant respectfully disputes the rejection.

Regarding claims 15 and 20, the applicant incorporates by reference the arguments from above as they relate to the 102 rejection. More specifically, MW (36) does not enclose a personality module. On the other hand, it encloses products which, as set forth above, are clearly not synonymous with personality modules. While it is true that products may be removed from MW (36), the products are not personality modules as recited in the subject claims. To say that it would have been obvious to modify inventory functions to maintain inventory of storage containers misses the point. Storage containers are not personality modules. Since Dearing fails to disclose personality modules or enclosures thereof, it would not have been obvious to anyone skilled in the art to modify Dearing to include enclosures to contain personality modules.

The inventory system of Dearing fails to disclose at least personality modules, as defined in the present application, enclosures and independently addressable personality

modules. Without disclosing the aforementioned features, Dearing cannot anticipate or render obvious the claims as submitted.

Based on the foregoing, it is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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Date: July 15, 2005

*The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. **A copy of this letter is enclosed.***

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**Amendments to the Drawings:**

The attached two replacement sheets of drawings include changes to Figs. 1 and 17. The sheets, which include Figs. 1, 17-18, replace the original sheets including Figs. 1, 17-18.

In Figs. 1 and 17, the term "Prior Art" has been added to signify that the drawings represent the prior art.

Attachments: Replacement Sheets